

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re:	:	
	:	
Marsha L. Nowell	:	Case No.: 10-14726
	:	Chapter 13
Debtor(s).	:	Judge Burton Perlman
	:	*****
	:	
	:	

OBJECTION TO CONFIRMATION OF PLAN (DOCKET NUMBER 2)

Now comes The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee ("Creditor"), by and through its mortgage servicing agent GMAC Mortgage LLC, by and through its attorneys, Manley Deas Kochalski LLC, and objects to confirmation of the Chapter 13 plan of Marsha L. Nowell ("Debtor"). For the reasons which follow, confirmation should be denied.

MEMORANDUM IN SUPPORT OF OBJECTION

Creditor is a creditor herein secured by a second mortgage lien upon the Debtor's real estate located at 3064 Westbrook Drive, Cincinnati, OH 45238. The Debtor's Chapter 13 Plan proposes to treat Creditor's claim unfairly as it is proposing to avoid Creditor's lien and treat it as unsecured. Creditor has completed its equity analysis and objects to confirmation of the plan with the intent to enter into an agreed order providing the terms under which the second mortgage lien will be avoided.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ James E. Tebbutt

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2010, a copy of the foregoing Objection to Confirmation of Chapter 13 Plan was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

Office of U.S. Trustee
Southern District of Ohio
Party of Interest
36 East Seventh Street
Suite 2050
Cincinnati, OH 45202

David J. Hoff
Attorney for Marsha L. Nowell
800 Gallia Street, Suite 28
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Margaret A. Burks
600 Vine Street
Suite 2200
Cincinnati, OH 45202
cincinnati@cinn13.org

and on the following by **ordinary U.S. Mail**, addressed to:

Marsha L. Nowell
3064 Westbrook Drive
Cincinnati, OH 45238

HSBC Mortgage Services Inc.
PO Box 3425
Buffalo, NY 14240

Hamilton County Treasurer
County Administration Building
138 East Court Street
Cincinnati, OH 45202

/s/ James E. Tebbutt
James E. Tebbutt